

Exhibit "A"

DUCivR 37-1(b) Statement

Request: "Pursuant to Rule 34(a)(2) of the Federal Rules of Civil Procedure, Defendants hereby request entry onto property controlled by Plaintiff, namely, the front driveway and front yard of the property located at 12534 South 150 East, Draper, Utah, so that Defendants, their representatives, employees, and other individuals retained by Defendants, may inspect, measure, survey, and photograph the property. Defendants wish to enter the property on February 11, 2016, beginning at 10:00 a.m. and continuing until complete. This entry will include the temporary placement of one or more vehicles and persons in the front driveway of the property in order to recreate the placement of vehicles and persons during the incident of May 18, 2010."

Response:

- (1) "Plaintiff objects to Defendants' request on the grounds that it is not timely."
- (2) "Plaintiff objects to Defendants' request as being overly burdensome and duplicative."
- (3) "Notwithstanding the foregoing objections, Plaintiff is not an owner, is not on the deed, and claims no ownership in the address in Defendants' request. As such, Plaintiff does not have the ability to allow access to the property."

Reasons Response is Inadequate:

- (1) Defendants' request is timely because the scene inspection is a valid component of expert discovery.
- (2) Defendants' request is not unduly burdensome or duplicative because the intrusion onto the property would be minimal and the record evidence of the scene is limited: Defendants are only aware of a few photographs depicting the placement of vehicles on the scene, no photographs showing the placement of all persons involved, and no measurements taken at the scene.
- (3) It is Defendants' understanding that Plaintiff resides at the address in question. He therefore has control over the property such that he has the ability to allow access.